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LOCAL LISTS



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CALENDAR

LOCAL LISTS:

STREET LIST ANNUAL REGISTER VOTING LIST

In Massachusetts registrars of voters or election commissioners are required by the General Laws to prepare three types of lists each year in each city and town. These lists;

- the Street List,
- the Annual Register and
- the Voting List

are used by election officials, school committees and other individuals and organizations.

The laws specifying how list information is gathered, compiled and distributed have been summarized in this reference guide for the use of local officials and the general public. The first section deals with the preparation of the Street List; the second section the Annual Register; and the third section, the Voting List.

A Master Calendar noting critical dates in the preparation of all three lists is included at the end of the guide.

STREET LIST

The first of the three lists to be prepared is the Street List. The related laws are grouped into four sections:

- Gathering the Information,
- Compiling the Information,
- Distributing the Lists and
- Correcting the List.

GATHERING THE INFORMATION

51 §§ 4, 7

In January or February of each year registrars must visit or communicate by mail or telephone (or use some combination of these methods) with persons living in the community and gather information for a Street List which includes all residents who are three years of age and older (seventeen years and older in Boston). This is sometimes called the local or municipal "census". Registrars communicating with their residents by mail may require a response under the penalties of perjury.

Only the following information must be gathered:

- Name
- Date of birth
- Occupation
- Nationality, if not U. S. citizen
- Current Address
- Address on the previous January 1
- Whether the resident is a registered voter

No other information (except for the number of dogs at each residence) may be obtained on the street list form. (e.g. the number of special needs children)

Persons should be listed if they live and sleep in the community even part of the time, without attempting to decide their legal residence for voting purposes. **Persons at a narrow class of institutions where privacy concerns are significant**, such as mental health or correctional facilities, **should not be listed**, unless they are registered voters in that community or unless they wish to be listed.

Persons' names should be included in the Street List if the registrars know they are residents from other sources, even if they did not respond to the registrars' inquiries. However, failure to respond may be a crime, punishable by a fine of up to \$100.00 or by imprisonment for up to a year. 56 § 4

In any city or town which communicates with residents by mail, the communication must state in large, boldface type: "Warning - failure to respond to this mailing may result in removal from the voting list." 51 § 4

Registrars must send to every innholder and keeper of a lodging house (licensed in C 140), every multi-dwelling unit owner, and every administrator of a nursing or resthome, a form (or notice of its availability) on which he must list the name and date of birth of each resident three years of age or older living in the complex. The owner must sign the completed list under penalties of perjury. 51 § 10A
(*Santana v. Registrars of Voters*, 390 Mass. 353, 355, 445 N.E. 2d 1200, 1202 (1983)).

In the case of a **multi-dwelling unit**, either the owner or his representative must provide and sign the information or, in the case of **condominiums** only the president or principal officer of the condominium association shall provide and sign it.

Lodging houses include fraternity houses and dormitories of educational institutions. Multi-dwelling units include apartment complexes of more than eight rental units and condominiums of any size.

51 § 14A

Except in Boston, the registrars may be assisted in obtaining the information by the police department, assessors, supervisors of school attendance, or other suitable officers or employees of the city or town, or by other qualified persons employed for that purpose.

In Boston, registrars may be assisted only by the police department, with the mayor's approval.

51 § 4

Information for school committee. Not later than April 1 (except in Boston), a list containing the name, address, and age or date of birth of all persons ages three through twenty-one must be sent to the school committee.

The school committee budget is charged with a proportion of the list-preparation expenses equal to that proportion of persons on the list who are under seventeen years of age.

In Boston, the Boston school committee must ascertain the name, age or date of birth and the residence of every person aged three through sixteen.

COMPILING THE INFORMATION

51 § 6

By April 15 each year, unless provided otherwise by special law, the registrars must prepare the Street List containing the names and addresses of residents seventeen years old or older which they gathered in January or February. In cities, they shall arrange the list by precincts and within the precincts by streets; in towns with 5,000 or fewer inhabitants, either by street or alphabetically, by name; and in towns with over 5,000 inhabitants, by precincts and within precincts, either by streets or alphabetically, by name.

51 § 14

On the first day of every month and two days before every election, the officer in charge of registration of deaths must provide the registrars with a list of all persons aged eighteen years or older who have died either in the preceding month or since the date on which the last street list was compiled.

This list should include the ward number and the street and number, if any, where the deceased resided at his death.

DISTRIBUTING LISTS

On or before June 15 each year, the registrars must print, type, mimeograph or otherwise reproduce sufficient copies of this list, containing names and addresses, so that when requested they can provide a copy to all organized political committees and to all candidates within their district, free of charge.

50 § 1, 51 § 6

They may charge a reasonable fee for copies provided to business organizations and other nonpolitical committees and organizations. Representatives of these organizations and other persons must sign their names and addresses in a log kept in the local election office.

On the lists prepared for public officials and made available to the chairperson of each city and each town committee, the registrars must further designate all residential buildings by number or description. And on these copies of the Street List, they must also include the basic information gathered about each resident aged seventeen or older - name, date of birth, occupation, nationality if not a U. S. citizen, current residence, residence as of January 1 of the preceding year, and whether that person is a registered voter.

51 § 7

Both lists or a combined Street List including all the information required to be gathered are **public records** and must be available for a reasonable fee. In cities and towns where information on the Street List is compiled on computer tapes, a copy of the tape or a set of mailing labels must be made available to the chairman of the Democratic and Republican city or town committees, at a reasonable price to be determined by the Secretary of State; any person may obtain a copy of such a tape for a reasonable fee. The board of registrars may charge the actual cost involved in making a duplicate copy of the computer tape.

Please call the Public Records Division of the Secretary of State's Office at 727-2832 for further information.

CORRECTING THE LIST

Residents who have been omitted from the Street List may present a sworn statement to the registrars before the close of registration for the election in which they want to vote in order to get a certificate of residence and to add their names to the Street List.

51 § 8

ANNUAL REGISTER

Registrars use the Street List information and the updated Voting List from the previous year to compile a current Annual Register of voters.

As opposed to the Street List and the Voting List which generally appear in a printed form, the Annual Register is essentially a current card file, book, or computer file of all the registered voters in a city or town, arranged in alphabetical order by name. Since it is updated throughout the year it will include newly registered voters who might not be either on the current Street List or the last printed Voting List.

Procedures registrars must follow to correctly maintain the Annual Register can be divided into two types -

- those that are undertaken after April 1 to compile the new register and
- those of an ongoing nature which keep the register current.

COMPILING THE NEW REGISTER

51 §§ 7, 38, 58

After April 1, registrars must prepare a new register which includes all the names which are on both the current Street List and last year's updated Voting List. They should make any inquiries or investigations that are necessary to identify these names.

They must add any newly registered voters. They must compare the newly compiled Annual Register with the prior register. If they find that the new register has omitted the name of a person whom they believe is entitled to vote they should add that name.

They must arrange the register in alphabetical order by name and include the voter's residence and party enrollment when established.

SPECIAL CASES

51 § 37

When listing inn residents on the register, registrars should enter only those names which were identified as residents by the inn-keeper.

51 § 38

When including people who are in out-of-town hospitals, sanitoriums, rest or convalescent homes or nursing homes, registrars should list them at their address of last registration in their city or town unless the people have become legal residents elsewhere.

Registrars shall list voters who have adopted a new name under their former name until June 1 of the year following the change - unless the voter appears in person before the close of registration for any election to notify the registrar of the change. After June 1, registrars shall change their records to reflect any changes of name of which they become aware. **They may not drop a voter's name because of a change of name.**

51 § 2

Registrars shall change a respondents name to reflect marriage if:

- the person returns census information by mail including a new last name and
- the person visits the office and fills out a new affidavit of registration to reflect a change in last name.

Registrars shall not change a name in the Annual Register or on an affidavit of voter registration if a voter chooses to retain her maiden name.

Dropping Names. By the first Monday in June, registrars must send a first-class letter or card to all persons whose names appeared on the Annual Register last year, but did not appear on the current Street List, informing them that their names have been dropped.

51 §§ 37, 57

Registrars must remove from the Annual Register the name of any such person. These names will not be placed on the new Voting List, unless the registrars learn that the person continues to be a resident. It is not necessary for such a person to reregister; a return card or signed letter is sufficient.

Registrars must prepare a list of those names dropped and post it in the registrars' office and in each ward of a city or precinct of a town, at least 20 days before town or city elections and 60 days before the state election (except 24 days before in Boston). Registrars may also publish the list, if desired. This list, for the proper precinct, must also be at the polls on election day.

Copies of the list of voters whose names were not entered in the current year's Annual Register must be made available to the public at a reasonable cost.

ONGOING PROCEDURES:

Registrars must maintain the Annual Register.

51 § 35 Update the Annual Register by adding new registrations to the list.

Change the address of a voter who moves within the community, when notified by the voter in writing of the change of address. Registrars may require that this notification be signed under the penalties of perjury. If the notice is received before the close of registration, the voter may vote from his new address in that election. If not, a voter may vote from his address on January 1 of the previous year until June 1, and after June 1, from his address on January 1 of that year.

53 §§ 37, 38 Record the party enrollment of each voter when established, cancelled or changed. Notify the voter that the change of enrollment card has been received and of the action taken on his request.

51 §§ 14, 38 Strike the names of voters only when notified of their death or notified of their registration elsewhere. No other voters' names may be removed from the Annual Register without the opportunity of a hearing.

51 § 38 Revise and correct the Annual Register upon personal application of any person listed or after investigation of an error noted by someone else. Registrars may require this application or other information to be signed under the penalties of perjury.

VOTING LIST

51 §§ 55, 56, 58 By July 1 in state election years, registrars must use the Annual Register to prepare a Voting List for use at elections. Subsequently they must keep the Voting List current with amendments and corrections.

The following sections describe the correct procedures for:

- Voting List Preparation;
- requirements for Posting Voting Lists and Voting List Distribution;
- procedures for Preparation of Absentee Voter Information for Elections;
- requirements for Use at the Polls;
- Care of Checked Voting Lists and
- Required Election Reports.

VOTING LIST PREPARATION

Enter, opposite each name on the list, the voter's residence, either as of the previous January 1 or as of the time of his registration after January 1, as well as the voter's party enrollment. Do not enter the names of women voters in separate columns or on separate lists.

51 §§ 55 &
53 §§ 37, 38

In cities and towns of **5,000 or more inhabitants**, arrange the Voting List alphabetically by street and numerically by residence and include the voters' names and party enrollment. In towns with precincts, arrange the list by precincts, and in cities, by ward and precincts.

51 § 55
& 53 §§ 37, 38

In town's of **less than 5,000 inhabitants**, registrars may arrange the Voting List alphabetically by voter's surname and include the address and party enrollment.

51 § 55

As soon as possible after the last day to register for every election, prepare a Supplementary List in the same manner as was the main Voting List. The Supplementary List notes any additions to, or changes in, the main Voting List.

51 § 55

POST VOTING LISTS

Post copies of the Voting Lists in the main local election office and at least one other public place and in every ward, in a city; and precinct, in a town, at least 60 days before a state election (except at least 24 days, in Boston); and at least 20 days before a city or town election.

51 § 57
Boston 2:5 § 236

Also post in the main office the Supplementary List when it is ready. Registrars may publish these names in a local or county newspaper instead of posting them, if they are authorized to do so.

51 § 58

Post in the main local office the names and addresses of all non-registered "specially qualified voters" for whom absentee ballot applications have been certified.

54 §§ 103J, 103L

Post lists, arranged by precinct, of names and addresses of registered voters whose applications for absentee ballots have been certified.

54 § 91

VOTING LIST DISTRIBUTION

51 §§ 55, 57

By July 1, in state election years, make printed

Voting Lists available to :

- all duly organized political committees at no cost (including state political committees upon request)
- candidates whose districts include that city or town, free of charge; and
- to any other person for a reasonable fee not to exceed the cost of printing.

51 §§ 55, 57

Make printed Supplemental Lists available in the same manner.

54 §§ 53, 103L,
103 M

At least 90 days before the biennial state election (at least 24 days in Boston) send the Voting Lists with any additions or corrections to the Elections Division of the Office of the Secretary of State.

Please indicate which addresses are group residential quarters, and the number of registered voters residing at such quarters.

The secretary will use these lists to send out the Information for Voters booklet relating to questions on the ballot.

PREPARATION OF ABSENTEE VOTER INFORMATION FOR ELECTIONS

54 §§ 86, 91,
103J, 103L

List absentee voters. Before every election prepare lists for each voting precinct of voters whose applications for absentee ballots have been certified.

Registrars shall have the use of the clerk's list of certified permanently disabled voters. In addition, prepare lists for each precinct with the names and addresses of all non-registered "specially qualified voters" for whom absentee ballot applications have been certified.

Record information on Voting Lists.

54 § 91

Place the letters "A.V." opposite the name of each voter on the Voting List whose application for an absentee ballot has been certified.

51 § 51 & 54 § 91

Applicants for absentee ballots who qualify for certificates of supplementary registration shall submit their certificates with their applications.

Write the letters "A.V." on the certificate, opposite the voter's name and attach the certificate to the Voting List of the proper precinct.

In a primary, record the party enrollment of all absentee voters on the Voting List even if the absentee ballot is rejected as defective and not sent to the polls to be cast. 53 § 37A

USE AT THE POLLS

Supply the Voting List to be used at primaries, caucuses, elections and town meetings, in duplicate if necessary, to the election officers of every precinct. 51 § 60 & 54 § 67

Include lists of "specially qualified voters" for whom an absentee ballot application has been certified.

One Voting List will be used by the ballot clerk and another by the officer in charge of the ballot box. Where voting machines are used, one list will be used by the officer at the entrance to the area within the guard rail.

In any election before July 1, registrars may supply the Voting List from the preceding year. However they must amend it with new registrations, changes of address received in writing from voters who moved within the city or town, and removals made, due to death or registration elsewhere. 51 §§ 3, 55

Voters at the polling place shall give their names and residence; and, if a primary, party enrollment, to the ballot clerk who will distinctly announce them. 53 § 37 & 54 §§ 67, 76

When voters are handed a ballot, their names are checked off on the first list. When they deposit their voted ballots in the box their names are checked off on the other list.

In a primary, if their party enrollment is not on the list, voters are asked which party ballot they wish. The ballot clerk distinctly announces their choice and enters it on the list, thus enrolling the voter. They repeat the procedure when the voted ballot is deposited.

If it has not already been done, the party enrollment of all absentee voters must also be recorded on the voting list.

Missing names. If a voter's name has been dropped or listed incorrectly, the presiding election officer must try to identify the voter by calling the clerk's office in order to check prior Voting List and registration records. The registrars must check the voting lists for at least the last three years. The "drop list" for at least the current year must be at the polls to expedite this process on election day. 51 § 59

If the registrars confirm that the person registered to vote in the city or town in the past and has continuously resided in the city or town, the presiding election officer signs and issues a certificate to the voter which states the voter's name, residence and party enrollment, if any. This certificate is attached to the Voting List and the voter is permitted to vote.

51 § 59 If the registrars cannot confirm the registration by phone, the voter must go to the registrars' office. Once there, if the registration is found to be correct, the voter may vote immediately by absentee ballot or may return to the polls with the certificate authorizing him to vote.

51 §§ 51, 59 A person whose name is not on the Voting List may not vote unless he/she presents a certificate from the presiding officer or the registrars.

51 § 62 **For caucuses.** Upon request, supply certified Voting Lists to caucus chairmen for use as checklists at the caucus.

For political party caucuses, the voter's enrollment must be included. No persons may vote or take part in a political party caucus whose names are not on the Voting List, unless they present a certificate from the registrars which includes their name, residence and party enrollment.

51 § 60 **For town meetings and elections.** The Voting List is used as a checklist at town elections which, by law, are to be held by ballot.
54 § 67 In other town elections, the town meeting will determine whether to use the list.

39 § 14 Voting Lists shall be used at the election of a moderator at a meeting for the choice of town officers.

CARE OF CHECKED VOTING LISTS

54 §§ 109, 134 Voting Lists used at any primary or election (checked Voting Lists) are kept for two years. First they are delivered to the city or town clerk who retains them for 30 days. Then they are transmitted to the registrars and preserved for reference. After two years, the checked lists may be destroyed.

53 § 37 Upon written request, at any time after a primary or election, the clerk or registrars shall supply a copy of the checked Voting List which was used in the primary or election, to any person. The lists

are not sealed with the ballots; they must be made available upon request. The clerk may charge a reasonable fee for a copy of the list, not to exceed the cost of printing or alternatively, allow the person to copy the information from the checked list onto a copy of the unchecked Voting List under reasonable supervision.

Caucus lists: If the political party caucus uses official ballots, the clerk must retain the checked Voting List from the caucus election for 10 days.

53 §§ 110, 111

Upon written request of a least 10 voters, the clerk must make a certified copy of the list available.

Escrow ballots: If a person claims the right to vote in a precinct, but is not allowed to vote for any reason, the person must be allowed to mark and escrow ballot. Write "escrow" on the back of the ballot (back of the envelope for punchcard and both sides of the ballot card for datavote) and deposit in envelope marked "escrow".

51 § 59A

When the political party caucus does not use official ballots, the clerk retains the checked list for 10 days, and upon written request of at least 10 voters who were entitled to vote in the caucus must further retain the list for three months and produce it if it is required by any court having jurisdiction.

53 § 86

In addition, the secretary of the citizens' (town) caucus shall, upon request of 10 voters who were entitled to vote in the caucus election, hold those checked Voting Lists for three months and produce them if required by any court having jurisdiction.

54 § 120

REQUIRED ELECTION REPORTS

As soon as possible after the close of registration for a biennial state election or a regular city or town election, send the certified total of the registered voters in each precinct to the Elections Division of the Office of the Secretary of State.

51 § 61

In addition, after the last day to register before a city election in a city where the clerk is not a member of the board of registrars, the registrars must send the city clerk the certified number of registered voters in each precinct.

51 § 61

54 § 132

Within 15 days after a state or local election, certify the total number of persons who voted in each precinct and submit it to the Elections Division of the Office of the Secretary of State.

After state elections, send duplicate copies to the Elections Division of the Office of the Secretary of State for the governor and council.

53 § 38

In each even-numbered year, on or before February 1, send a count of the number of voters enrolled in each political party and the number of unenrolled voters, arranged by precinct, to the Elections Division of the Office of the Secretary of State.

MASTER CALENDAR

STREET LIST TO ANNUAL REGISTER TO VOTING LIST

In January and February	Gather <u>Street List</u> information 51 §§4, 7
By April 1st	Send list of all persons aged 3-21 to school committee (except Boston) 51 §4
After <u>Street List</u> is complete.	Prepare <u>Annual Register</u> of voters 51 §37 Drop voters' names not included in <u>Street List</u> ; start sending drop notices 51 §37
By April 15th	<u>Street List</u> ready 51 §6
By 1st Monday in June	All drop notices sent 51 §37
By June 15th	Copies of <u>Street List</u> available 51 §6
By July 1st	First <u>Voting Lists</u> printed and available for distribution 51 §55
At least 20 days before local elections. At least 60 days before state elections (24 days in Boston)	Post list of voters who have not been entered on the <u>Annual Register</u> in the main local election office, in one or more public places, and in each ward of a city and precinct of a town 51 §§37, 57
First day of every month and two days before any election	Receive lists of persons who died in the previous month 51 §14
Ongoing Procedures	Add new registrations to the Annual Register Change address of voter who moves within city or town, when notified in writing. Record party enrollment when established, cancelled, or changed. Revise and correct Annual Register upon personal application of any person listed or after investigation of error noted by someone else.

